

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CAL HEIDELBERG,)	
Petitioner,)	C.A. No. 22-362 Erie
)	
v.)	District Judge Susan Paradise Baxter
)	Chief Magistrate Judge Richard Lanzillo
WARDEN SCI ALBION, et al.,)	
Respondents.)	

MEMORANDUM ORDER

This *pro se* action for habeas corpus relief pursuant to 28 U.S.C. § 2254 was originally filed on December 20, 2022, by Petitioner Cal Heidelberg, an inmate incarcerated at the State Correctional Institution at Albion, Pennsylvania (“SCI-Albion”). Petitioner subsequently filed an amended petition on May 10, 2023, which is the operative pleading in this case. [ECF No. 16]. In his amended habeas petition, Petitioner challenges the recommitment decision of the Pennsylvania Board of Probation and Parole (“Board”), dated October 8, 2019, which required Petitioner to serve an additional 36 months back time based on a new conviction that was entered on June 11, 2019, in the Court of Common Pleas of Erie County at CP-25-CR002293-2018. [ECF No. 27-14]. The petition was referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On February 18, 2025, Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that the petition be denied and that the issuance of a Certificate of Appealability be denied [ECF No. 41]. Specifically, Judge Lanzillo found that Plaintiff failed to exhaust his claims by fairly presenting them to the state courts for review. Objections to the R&R were due to be filed by March 7, 2025; however, no timely objections have been received by the Court.

Thus, after *de novo* review of the amended petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 20th day of March, 2025,

IT IS HEREBY ORDERED that the within petition for a writ of habeas corpus is DISMISSED, with prejudice, and that a Certificate of Appealability is DENIED. The report and recommendation of Chief Magistrate Judge Lanzillo, dated February 18, 2025 [ECF No. 41], is adopted as the opinion of this Court. As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case “CLOSED.”

A handwritten signature in cursive script, reading "Susan Paradise Baxter".

SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
Chief United States Magistrate Judge

All parties of record